

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1456 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

KANTILAL HIRABHAI PATEL

Versus

COMPETENT AUTHORITY & DY. COLLECTOR

Appearance:

Mr. Vyas for MR BS PATEL for Petitioners
Mr. L.R. Pujari AGP for Respondent No. 1

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 12/10/2000

ORAL JUDGEMENT

Learned advocate Mr. Vyas is appearing for the petitioners herein. Learned AGP Mr. Pujari is appearing for the respondent authorities. This petition was admitted by this court on 23.9.1993 and the ad interim relief in terms of para 11(B) has also been granted by this court. In this petition, the petitioners are challenging the order dated 27.8.1992 ANNexure "B" passed by the appellate authority.

Today, when the matter was taken up for hearing,

learned AGP Mr. Pujari has produced on record letter dated 6-6/7-2000 issued by the competent authority and Additional Collector (Coordination) Baroda which is taken on record. In the said letter, it has been mentioned that the order has been passed by the competent authority under section 8(4) of the Act on 14.10.1986 and, thereafter, no further proceedings were initiated by the competent authority under section 10(1) of the Act. It has also been made clear that the possession of the excess land in question has not been taken over by the Government and, therefore, it has been prayed to pass appropriate orders considering the effect of the Repeal Act, 1999.

The Urban Land (Ceiling and Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling and Regulation) (Repeal) Act, 1999 as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999 passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

The petition is accordingly disposed of as having abated. Rule is discharged. Interim relief is vacated. There shall be no order as to costs.

12.10.2000 (H.K. Rathod, J.)

Vyas